



# Detroit Water and Sewerage Department Meeting Minutes - Final Board of Water Commissioners

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Wednesday, February 21, 2018

2:00 PM

5th Floor Board Room, Water Board Building

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## Regular Meeting

### 1. CALL TO ORDER

Chairman Einheuser called the meeting to order at 2:02 p.m.

### 2. ROLL CALL

**Present:** 6 - Commissioner Linda Forte, Commissioner John Henry Davis, Commissioner Michael Einheuser, Commissioner Pamela Rodgers, Commissioner Jane Garcia and Commissioner Mary Blackmon

**Absent:** 1 - Commissioner Lane Coleman

### 3. APPROVAL OF AGENDA

Chairman Einheuser requested approval of the agenda.

**A motion was made by Commissioner Jane Garcia, seconded by Commissioner Mary Blackmon that the agenda be approved. The motion carried by a unanimous vote.**

### 4. APPROVAL OF MINUTES

Chairman Einheuser requested approval of the minutes of February 7, 2018 Special Meeting No. 1 and January 17, 2018 Regular Meeting.

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Linda Forte that these minutes be approved. The motion carried by a unanimous vote.**

### 5. PUBLIC COMMENTS (2 minutes per speaker)

There was none.

### 6. COMMUNICATIONS

#### A. [18-0027](#) Receipt of Correspondence

**Sponsors:** Office of the Director

**Attachments:** [Office of City Clerk-City of Highland Park](#)

**A motion was made by Commissioner Mary Blackmon, seconded by**

Commissioner Jane Garcia that this Communication or Report be received and filed. The motion carried by a unanimous vote.

**B. [18-0028](#) Receipt of Correspondence - Follow-up Responses (Meeting of 1/17/18)**

**Attachments:**     [492 Peterboro](#)  
                              [2439 Gladstone](#)  
                              [4801 Oakman Blvd Metro Life Church](#)  
                              [5983 Manistique](#)  
                              [20011 Renfrew](#)

A motion was made by Commissioner Linda Forte, seconded by Commissioner Pamela Rodgers that this Communication or Report be received and filed. The motion carried by a unanimous vote.

**C. [18-0029](#) Receipt of Correspondence-FOIA Requests**

**Sponsors:**        Pospiech  
  
**Attachments:**     [JANUARY 2018 FOIA REQS TO BOWCs\\_Redacted](#)

A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Pamela Rodgers that this Communication or Report be received and filed. The motion carried by a unanimous vote.

**7. ITEMS FROM THE COMMISSIONERS**

Commissioner Garcia asked about the service center in Southwest Detroit. Director Brown replied that the department would not invest in a stand-alone facility but is seeking a facility in the Southwest community that would house the various action agency services, which would be more economical and beneficial.

Commissioner Forte requested a monthly transaction report that captures the water bill revenue from the various payment methods utilized by customers.

**8. UNFINISHED BUSINESS**

**There was none.**

**9. NEW BUSINESS**

**A. [18-0022](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **approve a purchase order in the amount not to exceed \$750,000.00 to Oracle Corporation for Annual Software Maintenance for WAM and Advanced Security Services**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.**

**Sponsors:**        Rainey

**A motion was made by Commissioner Linda Forte, seconded by Commissioner Jane Garcia that this Contract be approved. The motion carried by a unanimous vote.**

**B. [18-0025](#)**

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **execute an emergency change order for contract increase in the amount of \$82,000.00 and extension through the remainder of FY 2017-18 (June 30, 2018) on Agreement 2897428 with ThyssenKrupp to continue Preventative Maintenance, Service and Repair on DWSD Elevators** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**Sponsors:** Naughton

**A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Linda Forte that this Contract be approved. The motion carried by a unanimous vote.**

**C. [18-0041](#)**

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to enter into **a New Contract (No. 6001305) with Homrich Wrecking Inc. for Water Service Interruption and Restoration Services, at a cost not-to-exceed \$7,873,029 for a duration of three (3) calendar years** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**Sponsors:** Naughton

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Contract be approved. The motion carried by an unanimous vote.**

**D. [18-0024](#)**

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **execute a change order for an emergency contract increase in the amount of \$618,768.50 to the existing contract with EJ USA, INC. located in East Jordan, MI 49727 for conversion hydrants**, and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**Sponsors:** Mobley

**A motion was made by Commissioner Linda Forte, seconded by Commissioner Mary Blackmon that this Contract be approved. The motion carried by an unanimous vote.**

**E. [18-0037](#)**

The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **secure change order no. 1 for contract no. 6000749 with MSC Industrial Supply Co. for Maintenance, Repair and Operation (MRO) for an increase amount of \$252,056.80 not to exceed the total contract amount of \$695,340.22 for the remainder of the 2017/2018**

**fiscal year** and also authorizes the Director to take such other action as may be necessary to accomplish the intent of this vote.

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Contract be approved. The motion carried by an unanimous vote.**

**10. DIRECTOR'S METRICS**

**A. [18-0026](#) Director's Metrics**

**Sponsors:** Brown

**Attachments:** [Board Report - Metrics - 02212018](#)

Director Brown will provide the Board with presentation to the Mayor's cabinet.

**11. COMMENTS BY COMMISSIONERS**

There was none.

**12. COMMENTS BY THE CHAIR**

There was none.

**13. OTHER MATTERS**

The Board discussed retreat dates. The focus will consist of finance, legal, and regulatory environment.

**14. CLOSED SESSION**

- A. [18-0034](#)** The Board of Water Commissioners vote to: the Board of Water Commissioners for the City of Detroit Water and Sewerage Department, by an affirmative roll call vote of 2/3 of the Board Members appointed and serving, hereby resolves to: 1) **Meet with legal counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in *Jonathan Kenniburg v. City of Detroit and Darryl Shavers v. City of Detroit*, and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.**

**Sponsors:** Pospiech

**A motion was made by Commissioner Linda Forte, seconded by Commissioner Mary Blackmon to enter into this Request, Closed Session at 2:57 p.m be approved. The motion carried by a unanimous vote.**

- B. [18-0035](#)** Upon the request of Chief General Counsel Debra N. Pospiech, Esq., the Board of Water Commissioners for the City of Detroit Water and Sewerage Department, by

an affirmative roll call vote of 2/3 of the Board Members appointed and serving, hereby resolves to: 1) **Meet with legal counsel in closed session pursuant to Sections 8(e) and (h) of the Michigan Open Meetings Act to discuss settlement strategy in *Michigan Warehousing, LLC v. City of Detroit, et al, - Claim of Midwest Memorial Group, LLC* and 2) Authorize the Director to take such other action as may be necessary to accomplish the intent of this vote.**

**Sponsors:** Pospiech

**A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Linda Forte that this Request, Closed Session be approved. The motion carried by a unanimous vote.**

#### ROLL CALL VOTE

**A motion was made that this be approved. The motion carried by the following vote:**

**Aye:** 6 - Commissioner Forte, Commissioner Davis , Commissioner Einheuser, Commissioner Rodgers, Commissioner Garcia and Commissioner Blackmon

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Pamela Rodgers that this return from Request, Closed Session at 3:11 p.m.be approved. The motion carried by a unanimous vote.**

The only matters discussed was pending litigation.

#### NEW BUSINESS (CON'T)

- F. [18-0030](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **reject the arbitration award between DWSD and Jonathan Kenniburg regarding a personal injury claim filed by Mr. Kenniburg against DWSD. The Agreement is intended to settle all the claims alleged by the Plaintiff in Wayne County Circuit Court Case Number 15-001843-NO, entitled *Jonathan Kenniburg v. City of Detroit*; and also authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.**

**Sponsors:** Pospiech

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Pamela Rodgers that this Case Settlement, Other be approved. The motion carried by a unanimous vote.**

- G. [18-0031](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **reject the arbitration award between DWSD and Darryl Shavers regarding a personal injury claim filed by Mr. Shavers against DWSD. The Agreement is intended to settle all the claims alleged by the Plaintiff in Wayne County Circuit Court Case Number 15-001843-NO, entitled *Darryl Shavers v. City of Detroit*;** and also authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

**A motion was made by Commissioner Pamela Rodgers, seconded by Commissioner Mary Blackmon that this Case Settlement, Other be approved. The motion carried by a unanimous vote.**

- H. [18-0036](#) The Board of Water Commissioners for the City of Detroit, Water and Sewerage Department authorizes the Director to **to enter into a Settlement Agreement with Midwest Memorial Group, LLC in the amount of \$635,099.66. This Agreement is intended to settle all claims of Midwest Memorial Group, LLC for drainage charges assessed on Woodmere Cemetery;** and also authorizes the Director and General Counsel to take such other action as may be necessary to accomplish the intent of this vote.

Sponsors: Pospiech

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that this Case Settlement, Other be approved. The motion carried by a unanimous vote.**

## 15. ADJOURNMENT

Chairman Einehuser requested a motion to adjourn.

**A motion was made by Commissioner Mary Blackmon, seconded by Commissioner Jane Garcia that the meeting be adjourned. The motion carried by a unanimous vote.**

**There being no further business, the meeting adjourned at 3:17 p.m.**